

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

|                           |   |                    |
|---------------------------|---|--------------------|
| UNITED STATES OF AMERICA, | ) |                    |
| Plaintiff,                | ) |                    |
|                           | ) |                    |
| -vs-                      | ) | Case No. 22 CR 333 |
|                           | ) | Judge John Blakey  |
| ALLEN CLAY                | ) |                    |
| Defendant.                | ) |                    |

**DEFENDANT'S SENTENCING MEMORANDUM**

The Defendant, ALLEN CLAY, by and through his attorneys, HARRIS, HARRIS & CABRERA, LLP, submits the following Sentencing Memorandum. For the reasons stated below, the defendant respectfully requests that this Court sentence him to a term of seven years imprisonment. This sentence will be sufficient and not greater than necessary to achieve the sentencing objectives.

**I. OFFENSE CONDUCT**

On March 25, 2025, Allen Clay plead guilty to both counts of the indictment for carjacking and brandishing a firearm during and in relation to the carjacking, pursuant to Title 18, United States Code §§ 2119 and 2 and 924(c)(1)(A) and 2. R. 1.

**II. THE GUIDELINES CALCULATIONS**

**A. The Guidelines Range**

Allen Clay does not contest the Offense Level Computation as calculated in the Presentence Report.

With credit for acceptance of responsibility and a timely plea, Allen Clay's adjusted offense level is 19. The Probation Office has determined that Allen Clay has two criminal history points, resulting in a criminal history category of II. An offense level of 19, when combined with a criminal history category of II, results in an anticipated advisory Sentencing Guidelines range of 33 to 41 months' imprisonment. However, Allen Clay acknowledges that the statutorily required minimum sentence is seven years based on the statutory provisions associated with Count 2.

### **III. OBJECTIONS TO THE PSR**

Allen Clay does not object to the factual elements contained within the PSR.

### **IV. THE SECTION 3553(a) FACTORS SUPPORT A SENTENCE NOT TO EXCEED SEVEN YEARS**

A sentence not to exceed seven years is warranted in this case, as it is sufficient, but not greater than necessary, to comply with Section 3553(a) factors.

#### **A. Nature and Circumstances of the Offense.**

Although the instant offense and relevant conduct are serious, Allen Clay has accepted responsibility and shown remorse. Mr. Clay was abused and traumatized as a child. This trauma has contributed to him making some poor decisions. However, Mr. Clay has the potential to turn things around and become a productive, law-abiding member of society.

#### **B. History and Characteristics of Allen Clay.**

Allen Clay was born on December 16, 2001, and is currently 23 years old. He was raised by his mother and grandparents in the dangerous and violent Englewood and Chatham neighborhoods of Chicago, Illinois.

As a young child, Allen was physically and verbally abused by his father, who was a raging alcoholic. This verbal and physical abuse was traumatic and has affected Allen for the entirety of his life. Growing up in the Englewood and Chatham neighborhoods, Allen witnessed violence, including gun violence a couple times per week, and he lost more than 20 friends and family members to violence. PSR at 14. As a child, he was shot-at and physically attacked on numerous occasions. At the age of 12, Allen witnessed someone die in the street. Beginning at the age of 8, Allen “really lost it” because he was young and didn’t understand the violence and the impact that it had on him. *Id.* When Allen was 14, “after losing numerous friends and family to violence, he ‘started tripping out really bad’ and was ‘mad at the world.’” *Id.*

Not surprisingly, Allen stopped attending high school and was involved in numerous fights and altercations. He was first arrested at the age of 13. Eventually, Allen was hospitalized, placed on prescription medication, and involved in outpatient treatment.

Allen Clay has struggled with substance abuse for many years, and this substance abuse likely contributed to him making poor decisions. Beginning at the age of 13, Allen began smoking marijuana every day and was using between 7 to 14 grams daily. He also used Xanax, Percocet and alcohol on occasion. “When asked about triggers to his drug use, the defendant stated he ‘would run to drugs’ whenever he lost a friend or family member.” PSR at 15.

Allen Clay has accepted responsibility for his conduct. He is not making excuses. He is coping with his detention and imminent sentencing and understands that there are consequences for his actions. However, Mr. Clay has the potential to turn things around upon his release.

Allen is the father to one child, Aiden, age 5. Prior to his arrest, Allen spent a lot of time with Aiden. Allen cares deeply about his son and wants to be involved in his life and provide for him, moving forward.

Allen Clay has certainly made some mistakes, and he understands that he must pay for those mistakes. However, he was only 20 years old at the time of this offense and has the potential and desire to be a productive member of society. He has been in custody on this case for more than three years. He is caring and generous with others. Since his incarceration, he has made significant progress in properly positioning himself for reentry into society by reading, meditating, exercising, and attending classes. Accordingly, a sentence which does not exceed seven years imprisonment is sufficient, but not greater than necessary in this case. Such a sentence would reflect the seriousness of the offense, promote respect for the law, and provide a just punishment for the offense as set forth in Section 3553(a)(2)(A).

## **V. SUPERVISED RELEASE**

Allen Clay does not have any objections to the Probation Office's recommendations pertaining to the conditions of supervised release.

## **VI. CONCLUSION**

For the reasons stated above, Allen Clay respectfully requests this Court sentence him to a term which does not exceed seven years imprisonment. Such a sentence would reflect the seriousness of the offense, promote respect for the law, and provide a just punishment for the offense as set forth in Section 3553(a)(2)(A).

Respectfully submitted,

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